APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,176	02/28/2002	Matthew Plan	P21784	4794

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EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 May 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

3.   **Claim(s) 1-5, 7-12, 14-26** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wolf (US 6,014,428) in view of Abel et al. (US 5,852,809).

Regarding **claim(s) 1**, Wolf discloses a method for implementing a customized

instance of a dynamic interactive voice system for a customer, the dynamic interactive

voice system having a database (column 1, lines 23-25), the method comprises:

configuring a call flow that incorporates a plurality of call flow nodes (menus) of

different nodes types, the different nodes types comprising a plurality of standard nodes

(menus records) and a plurality of preprogrammed designer tool kit modules (voice

templates) each designer tool kit modules having a database that is separate from the

dynamic interactive database (FIG. 1B and column 4, lines 9-27) [The user can

configure dynamically the voice menu system 100 which includes a plurality of menus

102 each menu 102 includes a plurality of menu records 104 and each record 104

contains a number of voice templates having a different interactive response];

storing the call flow in association with an identification of the customer (FIG. 3

and column 5, lines 40-50) [The mail box property dialog is stored with a DTMF key 1

identifying the customer Richard];

activating the stored call flow to a dialed number associated with the customized

instance (FIG. 4 and column 5, lines 51-64) [The user records a prompt associated with

the customer mailbox and the caller has to dial the number to leave a message for the

particular customer]; and

processing at least one call flow node of the stored call flow (FIG. 4 and column

5, lines 51-64) [The remote caller inherently calls the system and presses the

appropriate key to access the desired mailbox after the recorded prompt is played].

Wolf discloses voices templates for interactive voice response system but fails to

disclose each designer tool kit modules having a database that is separate from the

dynamic interactive database.

However, Abel in the same field of endeavor teaches each designer tool kit

modules having a database that is separate from the dynamic interactive database at

least one of the designer tool kit modules being a call library application, at least one of

the designer tool kit modules being a zip code locator module and at least one of the

designer tool kit modules being a voice forms module (FIG. 1 and column 6, line 50 to column 8, line 35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Wolf using the system database as taught by Abel.

This modification of the invention of Wolf would enable each designer tool kit modules having a database that is separate from the dynamic interactive database so that the system would ensure that merchant who are locate in remote area receive incoming orders.

Regarding **claim(s) 2**, Wolf discloses displaying at least one data field relating to at least one parameter of each call flow node at a display terminal, the at least one parameter directing processing of the associated call flow node (FIG. 2 and column 5, lines 1-12); and

receiving data defining the at least one parameter from the display terminal (FIG. 2 and column 5, lines 1-12).

Regarding **claim(s) 3, 8 and 10**, Wolf discloses the at least one parameter comprises an identification number of a selected call flow node of the plurality of call flow nodes to be processed after the at least one call flow node (FIG. 4 and column 5, lines 51-64).

Regarding **claim(s) 4**, Wolf discloses an initial call flow node of the plurality of call flow nodes comprises a menu node (FIG. 1B and column 4, lines 9-27).

Regarding **claim(s) 5 and 9**, Wolf discloses the standard node comprises one of a menu node, a transfer node, a vocabulary node and an end node (FIG. 1B and column 4, lines 9-27).

Regarding **claim(s) 7**, Wolf in combination with Abel discloses all the limitations of **claim(s) 7** as stated in **claim(s) 1**' s rejection and furthermore Wolf discloses displaying a data field for each node at a graphical user interface, the data field corresponding to a variable parameter associated with the node type of the node (FIG. 2 and column 5, lines 1-12) [The IVR system 26 is accessed by the use of graphical user interface screens that allow the user to create the proper menu].

Regarding **claim(s) 11**, Wolf discloses the data entered in the data field of a node from the vocabulary node type comprising a predetermined vocabulary tag to be spoken via a voice generator to a terminal of a caller (column 5, lines 21-39).

Regarding **claim(s) 12**, Wolf discloses the data entered in the data field of a node from the transfer node type comprising a transfer destination code (FIG. 3 and column 5, lines 40-50).

Regarding **claim(s) 14 and 16**, Wolf in combination with Abel discloses all the

limitations of **claim(s) 14 and 16** as stated on **claim(s) 7'** s rejection and furthermore

Wolf discloses an interactive voice response system (26 on FIG. 1A), a user terminal

(10 on FIG. 1A) a database (30 on FIG. 1A).

Regarding **claim(s) 15**, Wolf discloses the at least one port of the IVR system

being associated with a telephone number of the customer, so that the incoming call is

directed by a public switched telephone network to the at least one port based on calls

to the customer telephone number (column 4, lines 1-8).

Regarding **claim(s) 17 and 20**, Wolf in combination with Abel discloses all the

limitations of **claim(s) 17 and 20** as stated on **claim(s) 7'** s rejection above.

Regarding **claim(s) 18**, Wolf discloses an administrative source code segment

that is initiated by an escape code received by the IVR source code segment via the

incoming call and that enables at least one of an addition, a deletion and a change of an

administrative variable associated with the call flow (column 5, lines 13-20).

Regarding **claim(s) 19**, Wolf discloses the administrative variable comprises one

of a telephone extension number and a voice announcement (column 1, lines 44-55).

Regarding **claim(s) 21-26**, Wolf discloses each designer tool kit module has different tools for different audiences (column 4, lines 9-27).

4.   **Claim(s) 6 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Abel as applied to **claim(s) 1 and 7** above, and further in view of Levin et al. (US 2003/0149566 A1).

Regarding **claim(s) 6 and 13**, Wolf in combination with Abel as applied to **claim(s) 1 and 7** above differ from **claim(s) 6 and 13** in that it fails to disclose the designer tool kit module comprises one of an automatic attendant interactive voice response functionality and a names directory interactive response functionality.

However, Levin teaches the designer tool kit module comprises one of an automatic attendant interactive voice response functionality and a names directory interactive response functionality (¶ 0004).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Wolf in combination with Abel using an automated directory assistant as taught by Levin.

This modification of the invention would have automatic attendant interactive voice response functionality and names directory interactive response functionality so that the user would have the opportunity to choose from the listing names.

Response to Arguments

5.   Applicant's arguments with respect to **claim(s) 1-26** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER
g.g.
August 17, 2005

Allan Hoosain
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PRIMARY EXAMINER

Fan Tsang